

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:
W.R. GRACE & COMPANY, et al.
Debtors.

TIG Insurance Company, a California
corporation,

Plaintiff,
vs.
GARY SMOLKER and ALICE SMOLKER,
Defendants

AND RELATED CROSS ACTIONS

Case No.: 01-01139 JJF

Motion number:

Objections due by: September 13, 2001

Hearing date: September 20, 2001

Hearing time: 3:30 p.m.

**NOTICE OF MOTION OF ALICE SMOLKER AND GARY SMOLKER FOR
RELIEF FROM STAY UNDER SECTION 362 OF THE BANKRUPTCY CODE**

TO: COUNSEL PER ATTACHED SERVICE LIST

Movants Alice Smolker and Gary Smolker have filed a Motion for Relief from Stay which seeks the following relief: Relief from the automatic stay under Section 362 so that movants can pursue *TIG v. Smolker*, Los Angeles Superior Court No. BC173952, in California state court against the debtor, W.R. Grace & Company and its business unit, Grace Davison, in the event Grace Davison is a debtor.

HEARING ON THE MOTION WILL BE HELD ON SEPTEMBER 20, 2001 AT
10:00 a.m.

You are required to file a response and the supporting documentation required by Local Rule 4001-1(d) to the attached motion at least five business days before the above hearing date.

At the same time, you must also serve a copy of the response upon movants:

Alice and Gary Smolker
4720 Lincoln Boulevard, Suite 280
Marina Del Rey, CA 90292
Ph: (310) 574-9880
Fax: (310) 574-9883

The hearing date specified above may be a preliminary hearing or may be consolidated with the final hearing, as determined by the Court.

The attorneys for the parties shall confer with respect to the issues raised by the motion in advance for the purpose of determining whether a consent judgment may be entered and/or for the purpose of stipulating to relevant facts such as value of the property, and the extent and validity of any security instrument.

Dated: August 23, 2001

By Alice Smolker
Alice Smolker

By Gary Smolker
Gary Smolker
Movants in propria persona
4720 Lincoln Boulevard, Suite 280
Marina Del Rey, CA 90292
Ph: (310) 574-9880
Fax: (310) 574-9883

DECLARATION OF SERVICE BY MAIL

J. Jane Nagaishi, declare:

At the time of service hereinafter mentioned, I am over the age of 18 years and not a party to the within action. My business address is 4720 Lincoln Boulevard, Suite 250, Marina Del Rey, California 90292. I am employed in the County of Los Angeles, California.

On August 23, 2001, I served the foregoing document described as follows:

Notice of Motion

on the interested parties in this action, by causing a true copy thereof enclosed in a sealed envelope(s), addressed as follows, to be placed in the U. S. Mail at Marina Del Rey, California:

SEE ATTACHED SERVICE LIST

At the time of service, there was regular delivery of United States mail between the place of deposit and the place of address.

I declare under penalty of perjury that the information stated herein is true and correct
under the laws of the United States of America.

Executed on August 23, 2001, at Marina Del Rey, California.

Jane Nagaishi
JANE NAGAISHI

**In Re W.R. Grace
USBC, District of Delaware
Service List**

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Of Unsecured Creditors

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Of Unsecured Creditors

Attorneys for debtor

Attorneys for Defendants
Home Saving Termite Control, Inc.
And Wayne Morris

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